

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	08-00195-03-CR-W-HFS
LUIS PEREZ-CISNEROS,)	
)	
Defendant.)	

On September 9, 2008, counsel for defendant Perez-Cisneros filed a motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of the defendant to stand trial. That motion was granted and, prior to holding a hearing to determine the mental competency of the defendant, the Court entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of the defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. §§ 4247(b) and (c).

On September 26, 2008, the Court entered its Order for a second examination for a medical/physical examination to determine whether the effects of any head injury the defendant may have suffered affected his competence to stand trial, pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of the defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. §§ 4247(b) and (c).

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concluded that the defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. This report has been provided to and reviewed by counsel for the government and counsel for the defendant. The Court has also received the report of Drs. Greg Weiss, Mark Cheltenham and Jill R. Grant dated March 4, 2009, which concluded that the defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. This report has been provided to and reviewed by counsel for the government and counsel for the defendant.

On September 9, 2009, a hearing was held pursuant to 18 U.S.C. § 4247(d) for the purpose of determining the mental competency of the defendant to stand trial. At this hearing, counsel for the government and counsel for the defendant stipulated that the Court could consider the psychological or psychiatric report of Drs. Robert G. Lucking, Angela Walden-Weaver and Kimberly Kirkland, and the report of Drs. Greg Weiss, Mark Cheltenham and Jill R. Grant as if Drs. Robert G. Lucking, Angela Walden-Weaver, Kimberly Kirkland, Greg Weiss, Mark Cheltenham and Jill R. Grant had appeared in person and testified under oath. No additional evidence was offered by the government or by the defendant.

Based on the record before the Court and the findings of Drs. Robert G. Lucking, Angela Walden-Weaver, Kimberly Kirkland, Greg Weiss, Mark Cheltenham and Jill R. Grant, it is

RECOMMENDED that the District Court, after conducting its own independent review of the record, find that defendant Luis Perez-Cisneros is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

Counsel are reminded that each has 10 days from the date of receipt of a copy of this Report and Recommendation to file and serve specific objections to the same. A failure to file

and serve timely objections shall bar attack on appeal of the factual findings in this Report which are accepted or adopted by the District Judge except upon the ground of plain error or manifest injustice.

/s/ JOHN T. MAUGHMER

JOHN T. MAUGHMER
United States Magistrate Judge

Kansas City, Missouri